

8.14.00.00 - ACKNOWLEDGEMENTS

8.14.01.00 General Recordation Requirements

Proper acknowledgement of documents is a necessary prerequisite to recordation. All Deeds to the State are to be properly acknowledged.

Effective January 1, 1995, subscribing witnesses are no longer accepted as a form of acknowledgement on grant, easement, or quitclaim deeds, as well as mortgages, deeds of trust, or security agreements (Assembly Bill No. 3600, Chapter 587, Statutes of 1994).

The Agent can do much to ensure that acknowledgement certificates will be properly executed by notaries. If the document is being transmitted to grantors by mail, the names of the grantors should be typed in the Certificate of Acknowledgement the same as the Deed is to be executed. The correct acknowledgement form should be attached to the document before it is transmitted.

Preliminary precautions such as cited above and an occasional "assist" from the Agent can save time and effort in completing a transaction.

8.14.02.00 Parties Authorized to Take Acknowledgements

Acknowledgements may be taken only by officers specified in the Civil Code. The specified officers include:

- A. A notary public at any place within the State.
- B. A county recorder, county clerk, court commissioner, judge of a municipal or justice court and a clerk of a municipal or justice court within the county or city and county in which such officers were elected or appointed.

- C. Officers of the Armed Forces per Section 1183.5 of the Civil Code. This section sets forth the requirements regarding acknowledgements by officers of the armed forces of the United States for military personnel and their spouses. If questions arise concerning the validity of an acknowledgement by military personnel, the District should seek the advice of the title company that will handle the escrow.

8.14.03.00 Acknowledgement Form

Acknowledgements made in California must be in the form and manner prescribed by the Civil Code. The All Purpose Acknowledgement Exhibit (8-EX-28) is to be used whenever signature is being directly acknowledged by a Notary.

8.14.04.00 Certificate of Conformity for Foreign Acknowledgements

Acknowledgements made outside California and which deviate in form from that prescribed by the Civil Code of California, should be accompanied by a certificate of conformity as set forth in Section 1189, Civil Code, which reads:

"Provided, however, that any acknowledgment taken without this State in accordance with the laws of the place where the acknowledgement is made, shall be sufficient in this State; and provided further, that the certificate of the clerk of a court of record of the county or district where such acknowledgment is taken, that the officer certifying to the same is authorized by law so to do, and that the signature of the said officer to such certificate is his true and genuine signature, and that such acknowledgment is taken in accordance with the laws of the place where the same is made, shall be prima facie evidence of the facts stated in the certificate of said clerk."

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